

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

26557. Unpopped popcorn. (F.D.C. No. 43388. S. No. 52-106 P.)

QUANTITY: 600,000 lbs. at Sac City, Iowa, in possession of Hy-Pop, Inc.

SHIPPED: During October and November 1958, from States adjoining Iowa.

LIBELED: 7-15-59, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-1-59. Consent—claimed by Hy-Pop, Inc., Sac City, Iowa. Segregated; 71,500 lbs. converted into animal feed.

26558. Unpopped popcorn, dried currants, dried chickpeas, dried mung beans, and cornmeal. (F.D.C. No. 43927. S. Nos. 63-914/9 P, 90-362 P.)

QUANTITY: 62 100-lb. bags of unpopped popcorn, 600 50-lb. bags of dried currants, 60 100-lb. bags of dried chickpeas, 10 200-lb. bags and 465 100-lb. bags of dried mung beans, and 54 50-lb. bags of cornmeal, at Charlestown, Mass., in possession of Hoosac Storage & Warehouse Co.

SHIPPED: The popcorn was shipped from Chicago, Ill., between 7-1-59 and 8-26-59, the cornmeal was shipped from Milwaukee, Wis., on 4-2-59, the mung beans were imported from Thailand on 5-20-55, the chickpeas were imported from Portugal on an unknown date, and the currants were imported from Greece on an unknown date.

LIBELED: 11-25-59, Dist. Mass.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: Mung beans: 12-22-59. Consent—claimed by Hung's Food Products, Inc., Boston, Mass. Segregated; 35 100-lb. bags denatured. Popcorn, currants, chickpeas, and cornmeal: 1-18-60. Default—destruction.

26559. Unpopped popcorn. (F.D.C. No. 44071. S. Nos. 69-247/50 P.)

QUANTITY: 202,200 lbs. at Wall Lake, Iowa.

SHIPPED: 1-6-60 and 1-7-60, from Boone, Colo., by John Basgal.

LIBELED: 2-23-60, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and bird excreta when shipped.

DISPOSITION: 3-4-60. Consent—claimed by National Oats Co., Wall Lake, Iowa. Segregated; 79,120 lbs. converted into animal feed.

26560. Rice, flour, grits, and unshelled peanuts. (Inj. No. 360.)

COMPLAINT FOR INJUNCTION FILED: 8-18-59, S. Dist. Ga., against the Coastal Bonded Warehouse, a partnership, Savannah, Ga., and Lawrence Elman and Irving Rubin, partners.

CHARGE: The complaint alleged that the defendants were engaged in the business of storing in their warehouse various foods such as rice, flour, grits, unshelled peanuts, and other food products commonly stored in food warehouses; that the defendants had been and were placing and causing to be placed in their warehouse which was infested with rodents and open to birds and had been and were exposing and causing to be exposed to contamination by rodents and birds in the warehouse such articles of food; that such acts by the defendants resulted in the foods being adulterated

within the meaning of 402(a)(4) in that the foods were held under insanitary conditions whereby they may have become contaminated with filth; and that such insanitary conditions consisted of and resulted from the presence of live and dead rodents and live birds in the warehouse, rodent burrows along the walls inside the warehouse, rodent burrows outside the warehouse adjacent to the loading dock, numerous holes in the walls and floors of the warehouse, numerous rodent pellets and rodent tracks in various areas of the warehouse, and broken window panes permitting ingress and egress to birds.

The complaint alleged also that the defendants were causing quantities of a water solution of a poisonous rodenticide known as "1080" and consisting of sodium monofluoracetate to be placed in and about the warehouse under conditions whereby the foods in the warehouse may have become contaminated with poison; that the acts of the defendants in causing the "1080" to be placed in the warehouse resulted in the foods in the warehouse being adulterated under 402(a)(4) because of being held under insanitary conditions whereby they may have been rendered injurious to health; and that such insanitary conditions resulted from and consisted of the placement of uncovered bait cups containing a water solution of "1080" in and about the warehouse and in close proximity to the foods.

It was alleged also that the defendants were well aware that their activities were violative of the law; that inspections were made of the defendants' warehouse on 4-1-59 and 4-14-59, at which times the defendants were warned of the insanitary conditions existing in the warehouse; and that despite such warnings, the defendants failed to correct the insanitary conditions in the warehouse.

DISPOSITION: 11-2-59. The defendants having consented, the court entered a decree of permanent injunction against the defendants enjoining them (1) from doing or causing any act to be done with respect to articles of food while held for sale after shipment in interstate commerce which would result in such articles being held under insanitary conditions whereby they may have become contaminated with filth; and (2) from placing or causing to be placed any of such articles of food in the defendants' warehouse unless and until such warehouse was thoroughly cleaned and rendered suitable for the storage of food and an inspection made of the warehouse by an authorized representative of the Food and Drug Administration and a report submitted to the court showing that the insanitary conditions in the warehouse no longer existed.

The decree also enjoined and restrained the defendants from directly or indirectly disposing of any articles of food being held in the warehouse after shipment in interstate commerce unless and until such foods were examined and the portions thereof which were contaminated by rodent, bird, or other filth, or by rodenticide, or whose containers had become contaminated with such filth or such rodenticide be destroyed, denatured for use as animal feed, or cleaned or otherwise reconditioned under the supervision of the Food and Drug Administration.

26561. Rice. (F.D.C. No. 42374. S. No. 24-447 P.)

QUANTITY: 112 50-lb. bags at Los Angeles, Calif.

SHIPPED: 1-23-58, from Beaumont, Tex.

LBELED: 12-8-58, S. Dist. Calif.